

ACTIVITIES CARRIED OUT UNDER INTERAGENCY COOPERATIVE AGREEMENTS

I. Guiding Principles of Interagency Cooperative Agreements

Types of Agreements and Underlying Principles

Wisconsin DVR is required to establish agreements with a variety of public and private agencies in order to meet its State Plan obligations. The following agreements are required by this state plan section as well as other sections of the State Plan:

- State Plan section 6.8(f) requires DVR to determine whether comparable services or benefits are available through the following programs and to establish an interagency agreement or other appropriate mechanism for interagency coordination with them: the state medicaid program, a public institution of higher education and a component of the statewide workforce investment system.
- Section 4.9(a) repeats the requirement for cooperative agreements with other entities that are components of the statewide workforce investment system at both the state and local levels 4.9(b).
- Section 4.9(c) requires agreements with other state, federal and local agencies and state use programs, if not already covered in 4.9(a).
- Sections 4.9(c)(3) and (5.6(b) allow for cooperative agreements with private, non-profit vocational rehabilitation service providers.
- Section 4.9(c)(4) requires cooperative agreements with state agencies and other entities for the provision of supported employment services to individuals with the most significant disabilities.
- Section 4.9(d) requires coordination with state education officials and details the components of agreement.
- Section 4.9(e) - Coordination with statewide independent living council and independent living centers.
- Section 4.9(f) - Cooperative agreement with recipients of grants for services to American Indians. Wisconsin has three such projects.

All of these agreements, in addition to all other services and activities of the Wisconsin DVR, are to be guided by:

- 1. Our Mission: The Wisconsin Division of Vocational Rehabilitation (DVR) is a federal/state program designed to obtain, maintain, and improve employment for people with disabilities by working with VR consumers, employers, and other partners.**
- 2. Results of a comprehensive assessment of the rehabilitation needs of individuals with disabilities and the need to establish, develop or improve community rehabilitation programs (attachment 4.12(a)).**
- 3. Established annual goals and priorities (attachment 4.12c(1)).**

Fiscal Mechanisms Implementing Cooperative Agreements

The primary mechanism for interagency coordination and cooperative agreements are the State Plan interagency coordination parameters.

The secondary mechanisms for interagency coordination and cooperative agreements include the following.

As the Division deems appropriate, and with approval from the Rehabilitation Council, secondary interagency agreement mechanisms that expand the availability of services and support the interagency coordination parameters of the State Plan may be employed.

Such mechanisms require a signed agreement between the Division of Vocational Rehabilitation and the respective officials of the public and private entities that clearly identifies the responsibilities of each entity for the provision of services.

Secondary cooperative interagency mechanisms may include third-party cooperative arrangements involving funds from other public agencies (34 CFR section 361.28), cooperative agreements with private nonprofit vocational rehabilitation service provider organizations (34 CFR section 361.31), or agreements to establish or expand the scope of VR services for groups of individuals (34 CFR section 361.49). Such arrangements or agreements may or may not involve funding contributions from the Division of Vocational rehabilitation. As a complement to the primary interagency coordination parameters of the State Plan, such agreements may take the form of a memorandum of understanding, a letter of agreement, or a contractual agreement.

As deemed appropriate by the Division, and when approved by the Wisconsin Rehabilitation Council, short-term waivers from the State Plan primary interagency coordination parameters may be granted. Such waivers will be granted for the purpose of facilitating the transition of long-standing secondary cooperative interagency mechanisms and funding to full compliance with the interagency coordination parameters of the State Plan, should such a transition be determined necessary to provide continuous and timely services to DVR consumers.

i. Agency financial responsibility

The DVR is primarily responsible for assuring that services within the Scope of Vocational Rehabilitation Services (34 CFR section 361.48) are available to assist eligible individuals with an individualized plan for employment in achieving their employment goals.

As needed to assure the timely and continuous provision of IPE services, the agency's financial responsibility priority will be to expend Title I-B operational and discretionary case aid funds to assure the timely and continuous availability and delivery of services to these individuals. A minimum of 90% of the Title I-B funds, exclusive of carryover and funds allocated to operations, shall be designated to the discretionary case aids budget to support IPE services.

As needed to assure the continuous provision of timely services, an additional financial responsibility priority is to supplement the Title I-B discretionary case aids budget with revenues generated, when available, from Social Security reimbursement, public partners, federal or GPR carryover, and program revenue.

After the Division is assured that eligible individuals are adequately supported in their annual plan costs, up to 10% of Title I-B funds not allocated to operations, may be expended for the purposes of establishing an innovative and/or expanding a program of service in cooperation with another public entity or qualified community rehabilitation partner. The Division, in cooperation with the Wisconsin Rehabilitation Council, will annually establish the appropriate percentage within the 10% range available for this purpose.

In addition, as funds are available and after satisfying the primary financial responsibility of providing services to individuals with an active IPE and following OOS wait list procedures, revenues from Social Security reimbursement, interagency partners, federal or GPR carryover, and program revenue may also be used for alternative purposes. The priorities for alternative purposes will be to meet the Division's operational improvement and/or expansion needs and for the enhancement of the delivery of vocational rehabilitation services to individuals and groups served under interagency cooperative agreements.

To be eligible for funding from the Division, a program of service funded and delivered under an interagency mechanism must be performance-based and outcome-oriented. In addition the program of service must address:

- an identified need to establish the delivery of a service within the scope of service parameters of the Rehabilitation Act where none exists, or

- an identified need to significantly improve upon the delivery of a service within the scope of service parameters of the Rehabilitation Act, or

- the identified need to expand services within the scope of services to assure statewideness, or

- the identified need to expand services within the scope of services to meet the needs of an underserved group of individuals.

To identify service needs and establish a priority for creating interagency cooperative mechanisms for meeting those need, the Division will work with the Rehabilitation Council to conduct an annual statewide "scope of services" needs assessment.

Statewide interagency cooperative service delivery projects will be coordinated by DVR Central Office. WDA or county-level interagency cooperative service delivery projects will be coordinated by local DVR management.

The minimum financial responsibilities of a public or private partner for the purposes of interagency service delivery include the following.

For public entities only

A match of not less than 50% shall be required, unless the project does not require a funding contribution from the Division. The match requirement for public entity partners will be in the form of third party, non-federal (GPR) funds. The WRC will be consulted if the match required is different from 50%.

For both public and private entities

A guarantee that the Division funds will not be used to supplant funding for existing services.

A guarantee that Division funds will not be used to cover the costs of otherwise comparable services and benefits as described in 34 CFR section 361.53.

A guarantee that the Division's funding is limited to the timeframe of the project which is not to exceed 36 months, unless the project is funded in part or whole under federal appropriation in which case, the project timeframe is not to exceed 60 months.

A predetermined strategy for service sustainability and a project funding conversion schedule, to be determined by the Division, that may include the conversion of project revenue to DVR fee-for-service revenue.

(ii) Conditions, terms, and procedures of reimbursement

If any entity other than the Wisconsin Division of Vocational Rehabilitation is obligated under federal or state law, or assigned responsibility under state policy or under this paragraph, to provide or pay for any services that are also considered to be vocational rehabilitation services (other than those specified in paragraph (5)(D) and in paragraphs (1) through (4) and (14) of section 103(a) of the Rehabilitation Act), such entity shall fulfill that obligation or responsibility, either directly or by contract or other arrangement.

If an entity other than the Division of Vocational Rehabilitation fails to provide or pay for the services described in clause (i) for an eligible individual, the Division of Vocational Rehabilitation shall provide or pay for such services to the individual. The Division of Vocational Rehabilitation will claim reimbursement for the services from the entity that failed to provide or pay for such services. Such entity shall reimburse the DVR pursuant to the terms of the interagency agreement or other mechanism described in this paragraph according to the procedures established in such agreement or mechanism pursuant to subparagraph (B)(ii).

(iii) Interagency disputes

Information specifying procedures for resolving interagency disputes under the agreement or other mechanism (including procedures under which the designated State unit may initiate proceedings to secure reimbursement from other public entities or otherwise implement the provisions of the agreement or mechanism) will be included in written and signed interagency agreements.

(iv) Coordination of services procedures

The service delivery timeframes within the Act and those referenced in the Division of Vocational Rehabilitation Policy Manual shall establish the minimum standard for the timely delivery of vocational rehabilitation services. At its discretion, the Division may create additional requirements for the coordination and timely delivery of services when establishing mechanisms for interagency coordination that impact the delivery of services.

The Division shall maintain primary responsibility for assuring the coordination and timely delivery of services. The Division will meet this responsibility through its purchasing agreements and in all other mechanisms used for establishing interagency coordination for the delivery of services.

II. Agreements and Special Projects Entering the Next State Plan Year

State Medicaid Program

Part of the former Pathways project helped create the state's Medicaid Purchase Plan (MAPP) which is one of the first such programs nationwide. The direct service component was funded by DVR under a Memorandum of Understanding (MOU) with the Department of Health and Family Services (DHFS). Direct services included benefits counseling and employment supports using a comprehensive, team-based approach.

DVR is currently working with the DHFS on pilot projects in three counties to improve coordination of service planning and payment for services with Family Care Management Organizations (CMO's). Discussions have been very positive in each county and have led to cross-training for staff and further discussion about purchase of supported employment and assistive technology services.

Institutions of Higher Education

DVR has cooperative agreements through June 30, 2005 regarding the provision of services to students with disabilities with both the University of Wisconsin System (UW) and the Wisconsin Technical College System (WTCS). .

Effective July 1, 2001 Wisconsin DVR converted multiple third party contracts to one services to groups grant in each system. These grants provide financial support for interpreter services and other instructional support costs. The Division's position is that these services are covered by the schools' Americans with Disabilities Act requirements and our intent is to phase out of funding of these services by June 30, 2005.

Statewide Workforce Investment System

The Division of Vocational Rehabilitation has entered into a memorandum of understanding with each of the 11 Local Workforce Investment Boards in Wisconsin. The MOU addresses operation of the One-Stop service delivery system including description of services and methods for referrals. The Division of Vocational Rehabilitation will be pursuing the development of cooperative agreements under 34 CFR Part 361.23(b) with One-Stop partners with a focus on common intake and referral, and to facilitate job placement with employers. DVR staff are currently located in over 60 Wisconsin One-Stop Job Centers.

Supported employment services to individuals with the most significant disabilities

A cooperative agreement with the DHFS Bureau of Developmental Disabilities is used to fund supported employment start-up projects in areas of the state where new capacity is needed. Some of these projects are then converted to a regular fee for service funding arrangement following the grant period.

DVR also has a cooperative agreement with the DHFS Bureau of Mental Health and Substance Abuse Services for start-up projects that add a vocational rehabilitation specialist to Community Support Programs for persons with serious and persistent mental illness.

Both of these agreements (both third party cooperative arrangements) expire as of June 30, 2004. Services purchased on a project-funding basis will be moved to DVR's fee for service schedule. DVR is negotiating with the Division of Disabled and Elderly Services (DDES) regarding possible additional projects for supported employment.

State education agency

The most recent cooperative agreement between the Department of Workforce Development and the Department of Public Instruction was signed in 2000. A new agreement is being finalized currently. The agreement defines eligibility for special education and VR services, lays out mutual roles and responsibilities under IDEA and the Rehabilitation Act, and includes guidelines for local area agreements.

Private, non-profit vocational rehabilitation service providers

DVR established a new milestone-based fee for service structure effective 10/1/01. Statewide rates and technical specifications were established for the services most commonly purchased from non-profit community rehabilitation programs: vocational evaluation, supported employment, on-site job coaching and job development. Agencies wishing to provide these services sign a fee for service agreement with DVR. Those agencies that are not CARF accredited may be surveyed and certified DVR. As of 1/1/04, DVR added Benefits Analysis services to the statewide fee schedule.

Other Agencies

In addition to the agencies already listed, the DSU will, when appropriate, develop additional cooperative agreements with other federal, state and local agencies that are not part of the statewide workforce investment system, including programs carried out by the Under Secretary for Rural Development of the Department of Agriculture and State use programs, when such agreements will benefit the vocational rehabilitation of persons with significant disabilities. The Division also maintains a permanent seat on the Wisconsin State Use Board.

Comments Submitted Regarding Attachment 4.9(c):

University of Wisconsin System/Wisconsin Technical College System:

Cora B. Marrett, Senior Vice President for Academic Affairs
University of Wisconsin System

Jayson Chung, Assistant Vice President Student Support and Assessment
Wisconsin Technical College System

SUBJECT: State of Wisconsin Division of Vocational Rehabilitation 2004 State Plan

Thank you for the opportunity to comment on the proposed changes to the State of Wisconsin Division of Vocational Rehabilitation State Plan. We wish to comment on one item in the plan and also raise an issue regarding the Wisconsin Rehabilitation Council. Our comment concerns Attachment 4.9 (c) "Activities Carried Out Under Interagency Cooperative Agreement" of the State Plan.

The section titled "Agreements and Special Projects Entering the Next State Plan Year Institutions of Higher Education in Part 11 of Attachment 4.9 (c) states:

"DVR has cooperative agreements through June 30, 2005 regarding the provision of services to students with disabilities with both the University of Wisconsin System (UWS) and the Wisconsin Technical College System (WTCS). Effective July 1, 2001 Wisconsin DVR converted multiple third party contracts to one Services to Groups grant in each system. These grants provide financial support for interpreter services and other instructional support costs.

The Division's position is that these services are covered by the schools' Americans with Disabilities Act requirements, and our intent is to phase out of funding of these services by June 30, 2005."

The position of the University of Wisconsin System (UWS) and the Wisconsin Technical College System (WTCS) differs from that of the Division. Our legal counsel has advised that nothing in the Americans with Disabilities Act changed the responsibility of DVR under the Vocational Rehabilitation Act to fund the services needed by their clients/consumers.

The two public systems of higher education in Wisconsin have a long history of working collaboratively with DVR to serve individuals with disabilities pursuing postsecondary education, DVR's own data have shown consistently that DVR consumers enrolled in postsecondary programs are particularly successful in achieving their employment outcomes. Unfortunately, in recent years, DVR has been a much less active player in the partnership. DVR is not only providing less financial support to our institutions, but the number of DVR consumers who are enrolling in post secondary education is declining.

It is important to point out the number of students with disabilities served by UWS and WTCS and the fiscal commitment our systems make to them. For the Fiscal Year 2002-03, 4,054 students who disclosed a documented disability were enrolled in the UW System. Only approximately 754, or 19%, were DVR consumers. Across the 11W System, the offices designated to provide services to students with disabilities spent \$2,308,396 on staff, direct services, capital, and supplies. In addition, institutions expended additional dollars in library and computer services as well as other special services that are not captured in these data.

The academic accommodations that students require differ depending upon the disability and upon the individual student. Generally, the highest cost accommodation is for interpreting and captioning to provide access to information for deaf and hard of hearing students. Last year a total of 45 & deaf and hard of hearing UW students required interpreting at a cost of \$717,311. In addition, 13 students required captioning at a cost of \$127,199. The combined cost, \$844,510 constituted 74.5% of the total costs of mandated services in 2002-03. For this period, DVR provided a Services to Groups grant to the 11W System in the amount of \$753,000. For the current fiscal year, the DVR Services to Groups grant to UW dropped to \$329,500. 11W System has been informed that the grant will be further reduced next year and, as the Plan indicates, eliminated by June 2005.

In 2003-04, WTCS served 15,900 students with disabilities, only 3,000 or 20%, were DVR consumers. DVR provided a Services to Groups grant to WTCS for \$ 1,500,000. The grant provided interpreters and instructional support for 1,788 students with disabilities, including 834 DVR consumers. For the current year, the grant to WTCS dropped to \$656,250. The Wisconsin Technical College System has been informed that the grant will be further reduced next year and, as the Plan indicates, eliminated by June 2005.

In summary, the University of Wisconsin System and the Wisconsin Technical College System currently serve almost 20,000 students with disabilities; we expect that number to continue to grow. Our systems will continue to ensure that our programs and services are accessible to all. The majority of the students with disabilities are not DVR consumers, and we expect to absorb the cost of serving these students. However, we do not understand the

Americans with Disabilities Act to shift total responsibility for providing accommodations for DVR consumers to postsecondary education. Historically DVR has accepted its fiscal responsibility for these students. That partnership with DVR has been extremely important to WTCS and UWS' ability to accommodate the educational needs of students with disabilities and to help them become productive participants in the labor force. Without that DVR funding, UWS and WTCS will have to take resources from other instructional and support areas in order to provide the necessary accommodations for the students with disabilities. This would be ~ disservice to all students, including those with disabilities.

We urge that the State Plan be revised to ensure continued DVR support of academic accommodations for its consumers attending postsecondary institutions.

We also wish to take this opportunity to recommend that the composition of the Wisconsin Rehabilitation Council be revised and that one or more members be appointed to represent Wisconsin public postsecondary education. Although from time to time members appointed as disability advocates are coincidentally employed by WTCS or LAWS institutions, their role on the WRC is advocate, not postsecondary representative. As we've indicated, the University of Wisconsin System, The Wisconsin Technical College System, and the Wisconsin Division of Vocational Rehabilitation have a had long and productive partnership. We believe that partnership could be strengthened if the perspective of postsecondary education were regularly represented to the Rehabilitation Council.

Thank you.

DVR response to State Plan Comment on Attachment 4.9(c) received from the University of Wisconsin System and the Wisconsin Technical College System:

In reference to DVR's responsibility to fund services needed by DVR clients and consumers, the Division maintains that the state plan and its impact on the current and future funding of services to DVR consumers is fully compliant with the Rehabilitation Act as amended in 1998, as well as the Americans with Disabilities Act.

DVR values the long history of collaborative partnership in serving common customers with our post-secondary institution partners. While the financial infrastructure of that partnership is changing, we remain fully committed to a meaningful partnership and a collaborative service focus.

Whenever possible, DVR is committed to a philosophy of the "money following the person". We are directing more funds to the individualized plans for employment (IPE) of our consumers. IPE funds are available to support DVR consumers who are enrolled in post-secondary education programs.

To clarify our partnership responsibilities, DVR has developed a decision matrix for determining when DVR and/or post-secondary institution funds should be accessed for educational support services to DVR consumers pursuing their training program in an Institution of Higher Education (IHE). The decision matrix has been shared with our IHE partners and is posted on the DVR website at:

http://www.dwd.state.wi.us/dvr/service_providers/default.htm

Through our individualized support of consumers and the appropriate funding of IPE services related to success in college, DVR remains an active partner with the IHEs as we jointly serve our common customer.

Relative to the decline in the number of DVR consumers, who are enrolled in the two IHE systems, we can only attribute this phenomenon to our extensive wait list for services. Due to the lack of sufficient financial resources to serve all qualified applicants for our services, in a given month, as many as 8,200 qualified applicants were on our service wait list during the '03-'04 academic year. By driving case service resources to individualized plan services, we aim to decrease the number of individuals on the wait list. As we are successful in reducing our wait list, there may be a concurrent increase in the number of common customers should new DVR consumers identify an employment goal requiring college training.

When a consumer enters a college training program, DVR continues to accept its fiscal responsibility for supporting the consumer. DVR's fiscal responsibility as it relates to academic accommodations and supports is outlined in the decision matrix noted above. Understanding that the IHE's may need additional resources to meet their demand for accommodations related to the educational needs of students with disabilities, DVR is willing to support IHE efforts to seek additional resources from alternative resources. However, with thousands of qualified applicants on DVR's wait list for services, DVR is not in a position to defray the IHE's obligations and expenses.

DVR notified the IHEs in 2001 of its intention to phase out service to groups grant funding. Since the notification, we have followed the intent in our MOUs. Even as we are phasing-out grant funding to the IHE's, we have reallocated the funding to services provided in consumer IPEs. For consumers with college plans, DVR funds are being utilized in the IPEs according to the parameters of the decision matrix for post-secondary support services funding responsibility.

In response to the recommendation that the composition of the Wisconsin Rehabilitation Council (WRC) be revised and that one or more members be appointed to represent Wisconsin public postsecondary education, DVR wishes to maintain the council composition and representation as prescribed in the Rehabilitation Act. DVR does not wish to expand the council's prescribed representation with additional stakeholder partners (e.g., IHEs), as we believe we would be obligated to offer the same opportunity to other key public and private partners who have a similar interest in advising the Division.

We appreciate the interest of our IHE partners in participating on the WRC, but believe that such a request is better directed to the Department of Education and Congress as they consider the reauthorization of the Rehabilitation Act and the purpose and composition of the Rehabilitation Councils. Until the composition of the Council is changed in the Act, DVR encourages the IHEs and other interested partners to voice their perspectives at WRC meetings through agenda requests and during the public comment forum held at each meeting.